

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 13 MAR 2006

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Applicant's or agent's file reference 47079-238WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US05/09181	International filing date (day/month/year) 18 March 2005 (18.03.2005)	Priority date (day/month/year) 31 March 2003 (31.03.2003)	
International Patent Classification (IPC) or national classification and IPC IPC: A63F 13/00, 9/24; G06F 17/00, 19/00 USPC: 463/26, 16, 23, 25, 27, 28			
Applicant WMS GAMING INC.			

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand

15 February 2006 (15.02.2006)

Date of completion of this report

28 February 2006 (28.02.2006)

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☐ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
 - pages 1-17 as originally filed/furnished
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☒ the claims:
 - pages 18-25 as originally filed/furnished
 - pages* NONE as amended (together with any statement) under Article 19
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☒ the drawings:
 - pages 1/7-7/7 as originally filed/furnished
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages None
- ☐ the claims, Nos. None
- ☐ the drawings, sheets/figs None
- ☐ the sequence listing (*specify*): None
- ☐ any table(s) related to the sequence listing (*specify*): None

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

** If item 4 applies, some or all of those sheets may be marked "superseded."*

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>37,45,54</u>	YES
	Claims <u>1-36,38-44,46-53,55</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-55</u>	NO
Industrial Applicability (IA)	Claims <u>1-55</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-36, 38-44, 46-53, and 55 lack novelty under PCT Article 33(2) as being anticipated by Olsen (US 6,217,448).

Regarding claims 1, 17, 27, 29, 38, 39, 41, 43, 48, and 52, Olsen teaches a wagering gaming system (or method for playing a wagering game thereto) comprising: a controller; and a plurality of gaming terminals coupled to the controller, each of the plurality of gaming terminals having a wagering game with a randomly selected outcome, and being linked to a plurality of prize pools (Abstract and Fig. 1); wherein in response to the randomly selected outcome at any of said plurality of gaming terminals being one of a plurality of prize-pool increasing outcomes, the controller increasing one of the plurality of prize pools, and, in response to the randomly selected outcome being one of the plurality of prize-pool award outcomes (9:48-10:58), the controller awarding a player one of the plurality of prize pools, such that an amount is awarded to the player only when the randomly selected outcome is one of the plurality of prize-pool awarding outcomes (3:35-4:31).

Regarding claims 2-7, Olsen further teaches the randomly selected outcome comprises at least one symbol; wherein the at least one symbols is a card from a deck of playing cards; wherein the wagering game is a slot machine and the at least one symbol is a reel symbol (5:18-37); receiving player-identification information, the awarding step comprising crediting an amount to a player account indicated in the player-identification information; displaying the payout amount associated with each of the plurality of winning outcomes; displaying the amount the multi-terminal prize pool is increased in response to the randomly selected outcome being the multi-terminal prize-pool increase outcome (9:49-54).

Regarding claims 9-16, 31, 32, and 34, Olsen teaches inputting a wager amount on the wagering game by the player, and, wherein, in response to the randomly selected outcome being the multi-terminal prize-pool increasing outcome, the multi-terminal prize pool is increased by the wager amount (9:49-54); inputting a wager amount on the wagering game by the player, and, wherein, in response to the randomly selected outcome being the multi-terminal prize-pool increasing outcome, the multi-terminal prize pool is increased by an amount greater than the wager amount (Fig. 9); awarding the multi-terminal prize pool in response to the randomly selected outcome being a multi-terminal prize-pool award outcome; wherein each of the plurality of gaming terminals includes a terminal-level prize pool and further comprising increasing the terminal-level prize pool at one of said plurality of gaming terminals in response to the randomly selected outcome being a terminal-level prize pool at said one of said plurality of gaming terminals (Figs. 1, 3, 7, 9); awarding the terminal-level prize pool at said one of said plurality of gaming terminals in response to the randomly selected outcome being a terminal-level prize pool award outcome; wherein the terminal-level prize pool is awarded only for a limited amount of time; wherein the terminal-level prize pool is awarded only for a limited number of gaming sessions; wherein the multi-terminal prize pool is a restricted-access wagering game (Fig. 8)(25:4-33).

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Regarding claims 18-26, Olsen teaches a plurality of multi-terminal prize pools, the multi-terminal prize pools including a bank-level prize pool and a wide-area network prize pool; wherein, in response to the randomly selected outcome being the prize-pool increase outcome (25:50-65), the controller increases the amount of at least one of the plurality of multi-terminal prize pools; the prize pool is a terminal-level prize pool (Fig. 3); the basic game comprises the player wagering a wagering amount on the basic game, and in response to the randomly selected outcome being the prize-pool increase outcome, the prize pool is increased by a percentage of the wager amount; the basic game comprises the player wagering a wagering amount on the basic game, and in response to the randomly selected outcome being the prize-pool increase outcome, the prize pool is increased by an amount greater than the wager amount (9:49-54); the prize-pool increase outcome is one of the plurality of winning outcomes; the prize pool is awarded when the randomly selected outcome is a predetermined one of the plurality of winning outcomes; the randomly selected outcome comprises at least one symbol and the amount the prize pool is increased depends on which of the at least one symbols is achieved; the amount the prize pool is increased is dependent upon an amount wagered in the wagering game (25:42-65).

Regarding claims 28, 30, 33, 35, and 36, Olsen teaches each of the plurality of prize pool increasing outcomes result in the prize pool being increased by a different amount (Fig. 8); the portion of the wager input is less than the wager input; receiving player identification information, wherein the apportioning the portion of the wager input creates an increased-value prize pool, the increased-value prize pool capable of being awarded only to a player associated with the player identification information (Fig. 5); the portion of the wager input equals the wager input; adding an additional value beyond the wager input to the prize pool (23:21-52).

Regarding claims 40, 42, 44, 46, 49, 50, 51, 53, and 55, Olsen teaches each of the plurality of prize-pool increase outcomes increases the prize pool by a different amount; the plurality of prize-pool increase outcomes increase different ones of the plurality of

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Supplemental Box

prize pools and by differing amounts (Fig. 8); each of the plurality of prize-pool increasing outcomes includes at least one prize-pool triggering symbol; each of the plurality of prize- pool increasing outcomes is the randomly selected outcome is determined randomly during a bonus game; each of the plurality of prize- pool award outcomes is the randomly selected outcome is determined randomly during a bonus game (10:22-65); the amount that the prize pool is increased is unknown to the player; the amount that the prize pool is increased is visually illustrated on a video screen; each of the plurality of prize-pool increasing outcomes includes at least one symbol, the at least one symbol being a prize-pool triggering symbol; and each of the plurality of prize- pool increasing outcomes is the randomly selected outcome is determined randomly during a bonus game (26:5-47).

Claims 37, 45, and 54 lack an inventive step under PCT Article 33(3) as being obvious over Olsen in view of one of ordinary skill in the art.

Olsen teaches all limitations of claims 1-36, 38-44, 46-53, and 55 above. Olsen does not explicitly teach the limitations of forfeiting the opportunity to achieve the prize pool in the wagering game (claim 37); and each of the plurality of prize-pool award outcomes includes a plurality of symbols, and at least one of the symbols is a "break the bank" symbol (claims 45 and 54). These limitations, however, are notoriously well known in the gaming industry. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Olsen's gaming system and method with well known gaming techniques such as declining to participate in a jackpot game so that his or her wagers would not be deducted; and further, it is obvious to use different types of symbols to illustrate a winning event to attract attentions of game players.

Claims 1-55 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.